

Atty. Docket No. 72449-022

Amendments to the Drawings

One corrected drawing sheet, having the "Replacement Sheet" label, is enclosed.

REMARKS

I. Amendment to the Specification and Drawings

A. Typographical Error/Grammatical Mistakes in Specification

The amendment of Paragraphs Numbered [0017], [0023], [0024], [0026] and [0029] correct typographical errors and/or grammatical mistakes. The corrections of the typographical errors and/or grammatical mistakes do not add any new matter to the specification.

B. Reference Numbers

The Examiner has objected to the drawings under 37 C.F.R. § 1.84(p)(5), concluding that some reference numbers mentioned in the first two paragraphs of the description do not correspond to the reference numbers in Fig. 1 of the drawings. Accordingly, a corrected drawing sheet showing Fig. 1 with reference numbers corresponding to the reference numbers in the first two paragraphs of the description is submitted with this response. No new matter has been added. Accordingly, the Applicant respectfully submits that the objections to the drawings have been obviated and should now be withdrawn.

C. Amendment to Claims

Upon entry of this amendment, 29 claims are pending in the application. Of the pending claims, 5 claims are independent.

Applicant has added new claims 35 and 36. These claims do not contain new matter. Support for these claims can be found in, *inter alia*, paragraph [0026].

II. Claim Rejections

In the Final Office Action mailed September 29, 2006, claims 1-30, 33 and 34 were rejected under U.S.C. § 103(a) as being unpatentable over *Chen et al* (U.S. Patent Number 6,351,289) (“the Chen patent”) in view of *Gadre et al* (U.S. Patent Number 5,995,161) (“the Gadre patent”). Based on at least the arguments presented below, applicant respectfully traverses the rejections of claims 1-30, 33 and 34, and requests allowance of such claims.

Applicant respectfully traverses the rejection of independent claims 1, 8, 33 and 34 under 35 U.S.C. § 103(a) as unpatentable over the Chen patent in view of the Gadre patent (collectively, “the cited references”) because the office action does not establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a).

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims, taking into consideration all words in a claim. *See* M.P.E.P. § 2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on the Applicant’s disclosure.” *See* M.P.E.P. § 2143.

The cited references do not teach or suggest each and every element recited in the claims. On page 3, the Office Action states that the Chen patent discloses, “sizing a Vertical Blanking Interval area in an On Screen Display memory;” and “locating a Vertical Blanking Interval area in an On Screen Display memory”. The office action cites one figure and two passages from the

Chen patent to support this position: (i) Fig.2 item 24, (ii) col. 5 line 52 to col. 6 line 8, and (iii) col. 6 lines 45-50. These citations from the Chen patent are used to support the rejection of independent claims 1, 8, 33 and 34. However, as discussed in greater detail below, the cited figure and passages do not teach or suggest (i) sizing a VBI area, (ii) locating a VBI area, or (iii) the use of OSD memory to store such data, and each of the rejected independent claims have limitations reflecting, *inter alia*, these three elements.

Figure 2, Item 24 of the Chen patent is a “Color Signal and VBI Coding Waveform Generator” and does not teach or suggest any of the three elements referred to above.

Column 5, Line 52 to Col. 6 Line 8 of the Chen patent discusses a sine wave characteristic table, which receives an address and outputs an “amplitude normalized sine wave”, which is coupled with a scalar signal to produce an “amplitude scaled “ waveform. This discussion in no way teaches, suggests or is otherwise related to (i) sizing a VBI area, (ii) locating a VBI area, or (iii) the use of OSD memory to store such data. There is no mention of sizing or locating a VBI area, or of storing such size and location to any manner of memory. Although the sine wave characteristic table would likely be stored in some form of memory, the Chen patent does not teach or suggest that OSD memory should or even could be used. Moreover, there is no mention of OSD hardware anywhere in the Chen patent.

Similarly, Column 6, Lines 45-50 of the Chen patent sets forth that the “VBI phase data signal” indicates the phase of a VBI coding waveform, which provides the address for the sine wave characteristic table. The passage also sets forth that the “color burst scalar signal” controls the amplitude of the color burst waveform and the “VBI scalar signal” controls the amplitude of

the VBI coding waveform. Again, this passage does not discuss and is unrelated to (i) sizing a VBI area, (ii) locating a VBI area, and (iii) the use of OSD memory to store such data.

Accordingly, applicant respectfully submits that requirements for a *prima facie* case of obviousness have not been met because the cited references do not teach or suggest each and every element recited in the claims as required by M.P.E.P. § 2143.03. Therefore, applicant respectfully requests the rejection of independent claims 1, 8, 33 and 34 be withdrawn and the claims allowed.

Furthermore, claims 2-7 and 9-30 depend from claims 1 and 8, respectively. As explained, the cited art does not support the rejection of independent claims 1 and 8. Therefore, the cited art does not support the rejection of their respective dependent claims 2-7 and 9-30 for at least the same reasons set forth in connection with claims 1 and 8. *See* M.P.E.P. § 2143.03. Thus, applicant respectfully requests the rejection of these claims be withdrawn and the claims allowed.

III. Amendments

The amendment to claim 8 structurally receives a patentable distinction over the prior art of record, rendering claims 8-30 allowable.

IV. Conclusion

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons applicant urges that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and

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complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Robert C. Haldiman, Reg. No. 45,437
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1500
314-480-1505 (FACSIMILE)